

Decision 03-06-025 June 5, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Rulemaking for the Purpose of Revising Certain Rules of Practice and Procedure to Implement Public Utilities Code Section 1708.5 (Petitions for Rulemaking).

Rulemaking 02-06-040
(Filed June 27, 2002)

DECISION CLOSING PROCEEDING

1. Summary

This decision closes the above proceeding based on the Commission's approval of a new Article 3.5 of the Commission Rules of Practice and Procedure (Rules), regarding rulemaking in general, and a new Rule 14.7 regarding petitions to adopt, amend, or repeal a regulation in Decision (D.) 03-03-020. Since the Commission has adopted these Rule changes, there is no need for this proceeding to remain open.

2. Background

On June 27, 2002, the Commission adopted an Order Instituting Rulemaking, which proposed a new Rule 14.7 regarding petitions to amend, adopt, or repeal a regulation pursuant to Section 1708.5,¹ to be included in a new Article 3.5 regarding rulemaking in general. Rule 14.7 responded to the requirement of Section 1708.5 that the Commission amend its Rules to provide specific procedures for handling such petitions.

¹ All Code references are to the Public Utilities Code, unless otherwise stated.

Following a lengthy notice and comment process and the requisite review by the Office of Administrative Law, the Commission adopted D.03-03-020, which added new Article 3.5 and Rule 14.7 to the Rules, on March 13, 2003. However, D.03-03-020 did not close this proceeding.

3. Discussion

Since the Commission has approved the addition of a new Article 3.5 and a new Rule 14.7 to the Rules, and there are no remaining issues to be addressed in this docket, this proceeding should be closed. If the Commission wishes to consider additions to Article 3.5 or amendments to Rule 14.7 in the future, it may do so in a new docket.

4. Waiver of Comment Period

Since the Commission has provided for public review and comment on this rulemaking pursuant to the Administrative Procedure Act, the otherwise applicable 30-day period for public review and comment under our Rules is waived pursuant to Rule 77.7(f)(8).

5. Assignment of Proceeding

Loretta M. Lynch is the Assigned Commissioner and Myra J. Prestidge is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. On March 13, 2003, the Commission adopted D.03-03-020, which approved the addition of a new Article 3.5, regarding rulemaking in general, and a new Rule 14.7, regarding petitions to adopt, amend, or repeal a regulation, to the Rules.

2. Since the proposed adoption of new Article 3.5 and Rule 14.7 was the only issue to be addressed in this proceeding, there is no need for this docket to remain open.

3. If the Commission wishes to consider further additions to Article 3.5 or amendments to Rule 14.7 in the future, it may do so in a separate docket.

Conclusion of Law

Since there are no remaining issues to be considered by the Commission in this docket, it is unnecessary for this proceeding to remain open.

O R D E R

IT IS ORDERED that Rulemaking 02-06-040 is closed.

This order is effective today.

Dated June 5, 2003, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners